IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.653 OF 2005

Virendra Bhagwandas Shah & anr. Appellants

Vs.

The State of Maharashtra & ors. Respondents

WITH

APPEAL FROM ORDER NO.654 OF 2005

Vinod Amrutlal Shah & anr. Appellants

Vs.

The State of Maharashtra & ors. Respondents

WITH

APPEAL FROM ORDER NO.680 OF 2005

Vidya Vinay Vivek Co-operative
Housing Society Ltd. Appellants

Vs.

The State of Maharashtra & ors. Respondents

Mr.S.S.Shah with Ms.Rita Shivalkar i/b. M/s.Maneksha & Sethna for appellants in A.O.Nos.653 & 654 of 2005.

Mr.P.S.Dani i/b M/s. Mulla & Mulla & C.B.C. for appellants in A.O. No.680/2005.

Ms.Geeta Mulekar, AGP for Resp.No.1 in all the appeals.

Mr.S.G.Suvarna for Resp.No.2 in all the appeals.

CORAM: B.H.MARLAPALLE,J.
July 08, 2005.

ORAL ORDER:

1. Heard the learned counsel for the respective parties. These appeals arise from the common order dated 25-5-2005 passed by the learned Judge of the City Civil Court at Mumbai in S.C. Suit Nos.1997, 2025 and 2026 all of 2005 whereby the notices of motion filed separately have been directed to be registered by refusing the prayer for ad-interim relief.

2. The parties state across the bar that the notices of motion are fixed today before the City Civil Court for hearing and the pleadings in the said Motions are completed. Having regards to the averments made by the respective parties and as considered in the impugned order as well as during the earlier rounds of litigation, it would be expedient that these appeals are disposed off by directing expeditious decision in the notices of motion pending before the City Civil Court. At the same time it appears that the suit land is in

possession of the appellants as agents of the Court Receiver. There is no justification to continue the possession of the suit land with the appellants or any one of them during the pendency of the notices of motion.

3. Hence the appeals are hereby disposed off in terms of the following directions:

(a) The pending notices of motion in S.C. Suit Nos.1997, 2025 and 2026 all of 2005 be heard and decided by the trial Court on their own merits and without being influenced by any observations made in the impugned common order or in the earlier orders, as expeditiously as possibly and preferably by 31st July 2005.

(b) The appellants jointly and severally to hand over the possession of the suit land to the Court Receiver forthwith and the said possession with the Court Receiver will be subject to

the further orders to be passed by the trial Court.

4. Certified copy is expedited.

(B.H.MARLAPALLE,J.)